

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, claims 14-26, and the abstract of the disclosure have been amended. New claims 27-31 have been added. Claims 14-31 are now pending in the application. Claim 14 is independent. The objection and rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to more fully comply with U.S. practice.

Claim 14 has been amended to even more specifically define the claimed device. New claims 27-31 have been added to further define the scope of protection sought for Applicants' invention. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) – Konopka

Claims 14-18, 21, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,755,173 to Konopka et al. ("Konopka").

The rejection of claims 14-18, 21, 23, and 24 under § 102(b) based on Konopka is respectfully deemed to be obviated. For at least the following reasons, the disclosure of Konopka does not anticipate Applicants' presently claimed invention.

Instant claim 14 defines an infusion device that includes, *inter alia*, the features of (i) a "base element including an opening for receiving said fluid, fluid communication means for transferring said fluid to an outlet communicating with a cannula, and a recess for accommodating at least a part of said septum housing" and (ii) "a fluid transfer volume [that is] formed in said recess between the septum housing and said outlet communicating with said cannula, said fluid transfer volume having an inlet for fluid communication with said opening in the base element."

Konopka's injection set is structurally different from Applicants' presently claimed device. Konopka fails to teach either of the above-quoted features of Applicants' presently claimed invention.

Since Konopka does not meet each feature of the claimed invention, Konopka does not anticipate the invention defined by Applicants' instant claim 14. Claims 14-18, 21, 23, and 24 are

allowable because they depend, either directly or indirectly, from claim 14, and for the subject matter recited therein.

35 U.S.C. § 103(a) - Konopka

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Konopka.

The rejection of claims 25 and 26 under § 103(a) based on Konopka is also respectfully deemed to be obviated. Claims 25 and 26 depend, either directly or indirectly, from claim 14. Claim 14 is allowable over Konopka for at least the reasons outlined above in response to the rejection under § 102(b). Claims 25 and 26 are allowable because they depend from claim 14, and for the subject matter recited therein.

Furthermore, there is simply no teaching in Konopka that would have led one to modify the reference in a way that would produce the invention defined by any of Applicants' pending claims.

New dependent claims 27-31 have been added to further define the scope of protection sought for Applicants' invention. New claims 27-31 are also allowable. Support for claims 27 and 28 is found in previously presented claim 14. Support for claim 29 is found at, e.g., instant specification page 6, lines 12-28. Support for claim 30 is found at, e.g., specification page 6, lines 12-28, and in Figure 2. Support for claim 31 is found at, e.g., specification page 6, lines 12-28, and in Figures 2-8. Since each of claims 27-31 depends from claim 14, Konopka neither anticipates

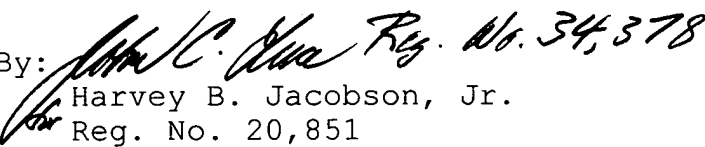
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nor would have rendered obvious the device defined by any of claims 27-31.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: February 27, 2009